United Nations A/78/202

General Assembly

Distr.: General
18 July 2023

Original: English

Seventy-eighth session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Right to food for food system recovery and transformation

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to food, Michael Fakhri, in accordance with Assembly resolution 77/217 and Human Rights Council resolution 52/16.

* A/78/150.

23-13989 (E) 030823

Interim report of the Special Rapporteur on the right to food, Michael Fakhri

Summary

Pursuant to General Assembly resolution 77/217, the Special Rapporteur on the right to food submits the present report, in which he examines the emerging issues with regard to the realization of the right to food, in particular in the context of the response to and recovery from the coronavirus disease (COVID-19) pandemic. This report comes at a time when the right to food has been widely recognized as the way forward to respond to and recover from the food crisis and to transform food systems.

I. Introduction

1. If the story of the coronavirus disease (COVID-19) pandemic was about an avoidable tragedy, the story emerging from the pandemic is about people's courageous struggle and political victories. The Special Rapporteur witnessed during the pandemic that, despite high rates of sickness and death, people expressed their right to food when they organized themselves and took care of each other. They exercised their right to food when they pushed their Governments to ensure that they had access to good food. And they deployed the right to food when they struggled against corporations' attempts to dominate food systems.

2. The pandemic almost immediately triggered a global food crisis that neither rich nor poor countries could escape. People could not access food because they could not go to work, to shops or to each other's homes. Supply chains could not adapt quickly enough to the sudden changes in demand.

3. The General Assembly, in paragraph 51 of its resolution 77/217, requested the Special Rapporteur to submit the present report examining the emerging issues with regard to the realization of the right to food, in particular in the context of the response to and recovery from the COVID-19 pandemic.

4. The challenge with providing a report that enables Members States to respond to and recover from the COVID-19 pandemic is the fact that the effects of the pandemic are going to be felt for decades. Despite the end of the pandemic, almost everyone who has survived the pandemic is still tired. Whatever the statistics, almost everyone is carrying more sorrow, more pain and more anger. Governments could have avoided a pandemic or lessened its impact if they had acted quickly and decisively and coordinated multilaterally. Instead, Governments' collective response to the pandemic made inequality worse within and between countries, with this heightened inequality having become a new reality (see A/77/177). Today, health concerns remain because many people are vulnerable to the virus owing to unequal access to national and international health-care resources, and are still at risk of getting sick or dying from COVID-19. The Director General of the World Health Organization recently stated: "[COVID-19] is still killing and it is still changing. The risk remains of new variants emerging that cause new surges in cases and deaths."[1]

5. Looking to the future, this particular virus may not be the biggest concern. Even though the underlying cause of the COVID-19 virus is still unknown, the spread of pathogens, especially zoonotic diseases, is exacerbated by pollution, ecological destruction, deforestation and the removal of protective ecological barriers.[2] Bacteria may also cause another global health problem. The World Health Organization has listed antimicrobial resistance as one of the top 10 global public health threats facing humanity; bacteria are becoming more resistant to antibiotics, making it more difficult to treat infections and death.[3]

6. Ironically, the formal end of the pandemic has made the food crisis worse. This is in part because Governments have decided to end pandemic-era policies that ensured people had access to food. Such programmes are ending while global inflation is quickly rising, and food prices are volatile and relatively high. The food crisis is also getting worse because violence and conflict are on the rise. Moreover,

[1] See https://news.un.org/en/story/2023/05/1136367.

[2] United Nations Environment Programme, Secretariat of the Convention on Biological Diversity and World Health Organization, *Connecting Global Priorities: Biodiversity and Human Health – A State of Knowledge Review* (2015).

[3] See www.who.int/news-room/fact-sheets/detail/antimicrobial-resistance and https://rosalux-geneva.org/untangling-antimicrobial-resistance-amr/.

the global economy is sluggish, and forecasts are bleak. Meanwhile, meteorologists expect record degrees of heat over the next five years.[4]

7. In 2022, nearly 258 million people in 58 countries or territories were in what the Global Network Against Food Crises deems a "crisis" or "worse acute food insecurity". This is the highest on record since these data were first reported in 2016.[5] In 2023, the number of people facing, or at risk of, acute food insecurity was 345 million spanning 79 countries, which is more than double pre-pandemic levels in 2019.[6] Afghanistan, Burkina Faso, Haiti, Mali, Nigeria, Somalia, South Sudan, the Sudan and Yemen are the countries of highest concern in terms of acute food insecurity. The Central African Republic, the Democratic Republic of the Congo, Ethiopia, Kenya, Myanmar, Pakistan and the Syrian Arab Republic are countries of very high concern. El Salvador, Guatemala, Honduras, Lebanon, Malawi and Nicaragua are countries of high concern.[7]

8. To recover from the current food crisis, and with an eye to the future, States face three issues. They must:

(a) Respond to the food crisis with national plans;

(b) Develop an international coordinated response to the food crisis;

(c) Transform their food systems to make them more resilient to climate change and prevent biodiversity loss.

9. States must address all three issues as interdependent. If they do not cooperate and develop an international coordinated response, their national plans to recover from the food crisis will fail. At the same time, how they respond to the multiple crises at hand will significantly affect the nature of their food systems for decades to come.

10. In the present report, the Special Rapporteur draws from the responses of Member States and civil society to his call for input;[8] his experience reporting on the food crisis since it began; his briefings to parliamentarians and international organizations; his regular meetings with Governments, businesses and civil society; and his regular participation in the Committee on World Food Security. He first outlines the programmes that have already proved to be effective in realizing the right to food. He then surveys the international institutional landscape governing the right to food. After identifying structural constraints, he outlines a political and legal agenda for the right to food that provides a way towards recovery and food system transformation. He concludes with recommendations.

II. Immediate and effective policies

11. The majority of measures deployed by Governments that have effectively enhanced the right to food should not be treated as temporary responses but instead must be considered as proof of what is possible to transform a food system (see A/77/177). During the worst times of the pandemic, Governments that were flexible,

[4] See https://public.wmo.int/en/media/press-release/global-temperatures-set-reach-new-records-next-five-years.

[5] Food Security Information Network and Global Network Against Food Crises, *Global Report on Food Crises* (Rome, 2023), p. 7.

[6] See www.wfp.org/emergencies/global-food-crisis.

[7] Food and Agriculture Organization of the United Nations (FAO) and World Food Programme (WFP), *Hunger Hotspots: FAO-WFP Early Warnings on Acute Food Insecurity – June to November 2023 Outlook* (Rome, 2023), p. vii.

[8] The responses are available in their entirety at www.ohchr.org/en/calls-for-input/2023/call-input-recovery-covid-pandemic-report.

coordinated and responsive to people's demands developed and implemented effective policies. In the context of the recovery from the pandemic, States should be building upon and not ending their pandemic measures. Below, the Special Rapporteur highlights national programmes implemented during the pandemic that he found to be effective in fulfilling the right to food.

A. Direct cash transfers

12. Providing people with cash directly, as inclusively as possible and without spending restrictions has proved to be the fastest and most effective way to assist people in times of need or crisis.[9]

13. Other forms of direct support, such as vouchers, ration cards or food parcels, risk worsening discrimination and inequality arising from methods of delivery. The Special Rapporteur received testimonies of denial of food assistance to members of the LGBTQI+ community and their families for not fitting the heteronormative, cisgender definition of family (A/HRC/52/40, para. 38). Moreover, when Governments provided food parcels, there was a high risk of them not ensuring that the food was adequate and appropriate.[10] However, this risk was reduced when food parcels were procured from local small-scale producers, as was seen in Cuba, the Dominican Republic and Mexico.[11] The risk of discrimination was reduced when programmes were implemented in a way that preserved people's dignity. For example, in New Zealand, Māori leaders organized the delivery of food parcels, hygiene packs and other resources to people's doorsteps and fostered social connectivity as part of what they call *mahi aroha*, the essential work undertaken out of love for the people (A/77/177, para. 30).

B. Universal school meals

14. When children are fed good food, the entire community becomes stronger.[12]

15. Ensuring that all children have access to good food through school encourages families to send their children to school instead of work. When Governments guarantee all children access to nutritious food, they allow families to spend less time and resources ensuring that their child reaches their full potential. Moreover, by ensuring that the meals are universal, namely, available to all children without condition, the focus is on every child as an individual, thereby significantly reducing the strong stigma that children sometimes feel when they are deemed to "qualify" for free school meals. During the pandemic, the Special Rapporteur also witnessed how the plight of children was exacerbated when lockdowns were imposed and millions of children and young people were denied access to daily meals at schools. Some communities remained resilient during the pandemic because they ensured that school kitchens served children, and sometimes their families, throughout the entire calendar year.[13] School feeding programmes linking together health, food and nutrition education can also strengthen children's knowledge and skills.[14]

[9] Submissions of Germany, Jordan and Qatar.
[10] Submissions of Biowatch South Africa and Right to Food Campaign India.
[11] Submissions of Cuba, the Dominican Republic and Mexico.
[12] Submissions of Brazil, Egypt, Iraq and South Africa.
[13] Submission of Brazil.
[14] Submission of El Salvador.

C. Support for territorial markets

16. When supply chains broke down during the pandemic, territorial markets proved to be very resilient.[15]

17. Territorial markets are markets that are designed, supported and regulated so as to serve a social purpose. They are "territorial" in that they often connect a network of rural and urban communities, and they do not always fit neatly into categories of local or global. However, local governments often play an important role in governing these markets.[16] Territorial markets tend to have few intermediaries between producers and consumers; they enhance access to healthy food, in particular fresh fruits and vegetables, fish and meat, and staple foods; and they rely on long-standing relationships of trust and a sense of solidarity. There is growing international support for promoting and supporting territorial markets.[17]

18. Some national Governments, such as those of Mexico and El Salvador, and some government-supported initiatives in the United States of America have supported territorial markets by developing programmes to connect food producers more directly to consumers. In Poland and Qatar, for example, during the pandemic, national laws were adopted to enable farmers and their families to trade at a designated place in rural and urban municipalities.[18]

19. Territorial markets can be informal or formal. Governments recognize the fact that territorial markets can be informal, in that vendors do not have a particular licence or pay taxes, and yet are still developing programmes to ensure these markets are fair, safe and stable.[19]

D. Support for peasants, pastoralists, fishers and other small-scale food producers, especially their access to inputs and territorial markets

20. National Governments have learned that depending too much on importing or exporting food makes them vulnerable to international markets and geopolitical conflicts.

21. Accordingly, some national Governments are increasingly supporting peasants, pastoralists, fishers and other small-scale food producers, especially their access to inputs and territorial markets. Such access is key to realizing the right to food because it adds a buffer against the food price volatility of international markets and supports local traditions.[20] For example, Germany has changed its criteria for business support from an export-oriented focus to a focus on the potential contribution of an investment to regional development, including the development of local value chains.[21]

[15] Urgenci, "Enacting resilience: the response of local solidarity-based partnerships for agroecology to the COVID-19 Crisis", 2021.
[16] Submissions of Poland, United Cities and Local Governments (UCLG) and FIAN Indonesia.
[17] FAO territorial markets initiative.
[18] Submissions of Poland and Qatar.
[19] Submission of Malaysia.
[20] Submissions of Italy, Egypt, Qatar, FIAN Nepal and the Centre for Minority Rights Development in Kenya.
[21] Submission of Germany.

E. Protection of the right of workers to association, enforcement of labour laws and enhancement of worker protection

22. If food and agricultural workers go hungry, everyone goes hungry.

23. During the pandemic, many workers were deemed essential but were treated as though they were expendable. Because they were "essential", they were forced to work, and working conditions during the pandemic were often unsafe. Nothing protects workers more than ensuring that they have bargaining power that is supported and protected through their right to association, the enforcement of labour laws and the enhancement of worker protection. Moreover, some countries realize more than ever that their food and agriculture sectors depend on migrant and foreign workers, who are even less protected than national citizens.[22]

F. Social protection to mitigate negative market impacts

24. Social protection, through programmes such as social security, social insurance and employment assistance, can protect people from harms caused by the market.

25. Social protection can also mitigate discrimination, reduce poverty and promote social inclusion.[23] It can furthermore support local production and ensure employment and local producers' access to markets.

26. Even though countries have committed themselves to implement nationally appropriate social protection systems and measures for all, and to achieve, by 2030, substantial coverage of the poor and the vulnerable, more than 70 per cent of the global population is still not covered by social protection. The majority of these people live in rural settings.[24] Rural communities were hit especially hard during the pandemic, and social protection programmes that focused on rural communities and their unique needs proved to be successful.[25]

G. Recognition of and support for the role of local and regional governments in meeting needs related to the right to food

27. Local and regional governments played a key role in implementing national programmes and developing programmes of their own to realize the right to food.

28. During the pandemic, local and national governments used their power to rethink their systems of food production and consumption, and made great efforts to guarantee the right to food for all. Some innovative examples include the promotion of local food products and models based on care, proximity and solidarity (Barcelona, Spain; and Araraquara, Brazil); cultural and behavioural change initiatives (Vienna, Austria); the protection of urban agricultural land, and equitable and sustainable public procurement (Vienna; Copenhagen, Denmark; and New York, United States); waste-management programmes (Quelimane, Mozambique; London, United Kingdom of Great Britain and Northern Ireland; and Rourkela, India); the empowerment of diverse populations through food (Rourkela and Vancouver, Canada); food-sensitive planning (Cape Town, South Africa; and Milan, Italy); public meal programmes (Addis Ababa, Ethiopia; Belo Horizonte, Brazil; Yeosu, Republic of Korea; Mouans-Sartoux and Paris, France; and Torres Vedras, Portugal); and

[22] Submission of Italy.
[23] Submission of Iraq.
[24] See www.fao.org/social-protection/overview/en/.
[25] Submissions of Germany and Mexico.

multi-stakeholder, integrated and participatory policy processes (Cape Town; Vienna; Vancouver; Quito, Ecuador; and Valencia, Spain).[26]

29. People are also turning to local and subnational governments to push for legal change. City governments sometimes lead national campaigns. In 2021, Liverpool became the first "Right to Food City" in the United Kingdom of Great Britain and Northern Ireland when the city council unanimously called for the right to food to be incorporated into the national food strategy; several other British municipal governments soon followed suit. People are also turning to subnational legal changes. In the State of Maine, United States, and the Canton of Geneva, Switzerland, people voted to amend their constitutions to include the right to food.

III. Global governance

30. The three issues facing States – namely, national responses to the food crisis, international coordination and food system transformation – are spread across various international forums. Below, the Special Rapporteur describes the institutional landscape governing the right to food. He then strongly recommends that States focus their efforts at the Committee on World Food Security on addressing the three issues.

A. United Nations Food Systems Summit

31. The Special Rapporteur has already, in a previous report (A/76/237), provided a first-hand, detailed analysis of the lead-up to the United Nations Food System Summit.[27] The decision of the Summit organizers to substantively ignore the pandemic and the food crisis was baffling.

32. When it came to human rights, the Summit leadership oscillated between hostility and ambivalence. This contradicted the 60-year history of United Nations food summits, a period during which the right to food gained prominence on the agenda and civil society organizations gained clout within the process. Because the Summit was an affront to this progress, more than 500 social movements, representing peasants, Indigenous Peoples, fishers, pastoralists and workers, together with advocacy groups (altogether comprising at least 300 million members), and hundreds of scientists and researchers boycotted the Summit. They then mobilized against the Summit through the People's Autonomous Response to the United Nations Food Systems Summit, the Global Peoples' Summit on Food Systems and the Agroecology Research-Action Collective.[28] When the Summit was finally held in New York on 23 September 2021, human rights remained at the margins of the programme, and the pandemic was not on the programme at all.

33. After the Summit, States and people were unclear as to where and how decisions were to be made regarding the international food agenda and how decision makers were going to be held accountable. The organizers refused to include governance as a topic until the final moments before the Summit, and even then it was included only at the margins.

34. What caused confusion over governance was the fact that a global United Nations food platform already existed long before the Summit. The Committee on

[26] Submission of UCLG.

[27] See also Michael Fakhri, "The Food System Summit's disconnection from people's real needs", *Journal of Agricultural and Environmental Ethics*, vol. 35, No. 3 (September 2022).

[28] See www.foodsystems4people.org, https://web.archive.org/web/20220302204151/ https://peoplessummit.foodsov.org/ and https://web.archive.org/web/20221201153830/ https://agroecologyresearchaction.org/scientists-boycott-the-2021-un-food-systems-summit/.

World Food Security is "the foremost inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and ensuring food security and nutrition for all human beings".[29] Nevertheless, the Summit organizers tried to marginalize the Committee, and as a result the Committee never played a clear role in the Summit.

35. One good thing to come out of the Summit was that 117 States appointed national conveners and established national ministries and agencies across various sectors to work together and think about food system transformation. These countries developed national pathways for food systems transformation. However, these national pathways have not proved to bring about change yet. The momentum has been very slow in turning these pathways into plans of action.[30] In his previous report (A/77/177), the Special Rapporteur recommended that States turn these pathways into action plans on the right to food.

36. After the Summit, the United Nations Food Systems Summit Coordination Hub was created. According to the biennial workplan for the Hub:

> The Hub does not intend to replicate existing United Nations functions and capacities and will not act as an implementing agency nor a gatekeeper. The Hub has a coordinating and connector role – drawing on the capacities of the United Nations system and leveraging the advice and expertise from a wider Ecosystem of Support. The Hub exists to serve countries by incentivizing existing institutions to deliver on their mandates in a systemic way.[31]

37. While the Hub "exists to serve countries", it lacks a clear mandate and vision from States. This is because States were not substantively involved in the preparations for the Summit. The Summit was designed to provide countries with a menu of options for how to transform their food systems, resulting in a jumble of ideas, with no clear, coherent framework to guide States in their choice. The Hub has inherited some of the Summit's other shortcomings, as follows:

(a) The right to food has not been included in the Hub's substantive agenda;

(b) The relationship between the Hub and the Committee on World Food Security remains unclear;

(c) There is no mechanism to encourage international cooperation among States;

(d) Civil society participation remains substantially limited;

(e) The Summit generated a number of stakeholder coalitions,[32] which remain autonomous, opaque entities; in turn, those coalitions have an unclear relationship to the Hub.

38. Meanwhile, many of the main Summit organizers have formed, in partnership with corporations, their own shadow platform, the Food Action Alliance, under the auspices of the World Economic Forum. While international civil servants are doing their best to coordinate with the United Nations system and serve the interests of States, the Food Action Alliance is explicitly competing with the Hub. The Alliance's mission is "to serve as the leading multi-stakeholder platform for scaling food systems

[29] Committee on World Food Security, CFS:2009/2 Rev.2, para. 4.

[30] See www.devex.com/news/opinion-progress-on-national-food-systems-transformation-is-too-slow-104464.

[31] See https://sfcs.fao.org/docs/unfoodsystemslibraries/default-document-library/UN-FS-Hub-Work-Plan.pdf.

[32] See www.unfoodsystemshub.org/hub-solution/coalitions-of-action/en.

innovation and impact, by mobilizing collective action, partnerships, and investments in leading national food systems strategies and flagship initiatives that demonstrate the best of what is possible in food systems transformation".[33]

39. In sum, the Summit organizers used the United Nations to mobilize the international community for food systems transformation and then skirted United Nations processes to form their own alternative corporate-friendly platform to attract financing and provide services to countries. This is a flagrant conflict of interest and suggests potential bad faith.

40. The Hub is organizing the United Nations Food Systems Summit Stocktaking Moment to be held in Rome from 24 to 26 July 2023. The purpose of the Stocktaking Moment is to provide a conducive space "for countries to review commitments to action that were made during the Summit, share stories of success and early signs of transformation, maintain the momentum for bold acceleration and bold action to further the resilience of food systems, advocate for their adaptation to climate change, ensure they contribute to communities' resilience to further shocks and crises, and boost the achievement of the Sustainable Development Goals".[34] To date, the right to food and human rights are not on the agenda for the Stocktaking Moment.[35]

B. Climate change, biodiversity and trade

41. The Special Rapporteur has already outlined, in a previous report (A/75/219), how climate change, biodiversity and trade are interconnected as a matter of policy. In terms of global governance, however, the issues remain separated, and the right to food is not adequately addressed by relevant institutions.

42. After the twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Sharm el-Sheikh, Egypt, in 2022, food security was finally included in the climate change agenda.[36] However, going into the twenty-eighth Conference, to be held in Dubai, United Arab Emirates, exactly what the food agenda will be is still strongly contested. The new climate change workplan includes a reference to human rights for the first time. States have committed themselves to respect, promote and consider their respective human rights obligations.[37] This is a narrow commitment. Moreover, the connection between food and human rights in the context of the Convention remains unclear. Nevertheless, the recent advancements connecting food, human rights and climate change at the Human Rights Council are welcome (see A/76/179 and Human Rights Council resolution 52/16).

43. The links between biodiversity, agriculture and nutrition were recognized in the Convention on Biological Diversity of 1992. By 2006, the parties to the Convention had adopted a framework for a cross-cutting initiative on biodiversity for food and nutrition, which included integrating biodiversity for food and nutrition concerns with the right to food.[38]

[33] See www.foodactionalliance.org/about.
[34] See www.fao.org/family-farming/detail/en/c/1637564/.
[35] See www.unfoodsystemshub.org/docs/unfoodsystemslibraries/stocktaking-moment/unfss-2-roadmap_27-june.pdf.
[36] Conference of the Parties to the United Nations Framework Convention on Climate Change decisions 1/CP.27 and 3/CP.27.
[37] Conference of the Parties to the United Nations Framework Convention on Climate Change decision 1/CP.27.
[38] Conference of the Parties to the Convention on Biological Diversity, UNEP/CBD/COP/DEC/VIII/23.

44. In December 2022, the Kunming-Montreal Global Diversity Framework was adopted, serving as the most recent blueprint for the Convention. Target 10 of the Framework reads as follows:

> Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification, agroecological and other innovative approaches, contributing to the resilience and long-term efficiency and productivity of these production systems, and to food security, conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services.[39]

45. The implementation of this Framework should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights.[40] For example, target 3, on ensuring that 30 per cent of terrestrial and inland water areas, and of marine and coastal areas are conserved through the establishment of protected areas, should not lead to the eviction of Indigenous Peoples, pastoralists, fishers or peasants.

46. At the World Trade Organization (WTO), food security features prominently on the trade agenda, as evidenced by the twelfth WTO Ministerial Conference, held in 2022, and will be a prominent topic at the thirteenth Ministerial Conference, in 2024. In 2022, WTO member States negotiated ministerial declarations relevant to food security and the response to the pandemic that gave rise to new processes.[41] Pursuant to those decisions, a new work programme focusing on the food security needs of least developed countries and net food-importing countries was launched in November 2022.[42]

47. There remain, however, long-standing food security issues at the core of WTO negotiations. Although there is growing consensus in international food policy on the need for national budgets to be repurposed to transform food systems, States are constrained by WTO in how they can support agriculture (see A/75/219 and A/77/177). Moreover, there was no discussion at the twelfth Ministerial Conference of a permanent solution to the question of public stockholding for food security purposes, which was first raised in 2013. Considering how important public stockholding of food proved to be in ensuring food security during the pandemic, this issue is more important than ever.

48. The conceptual challenge has been that, for too long, food was treated as an agricultural commodity and food security was treated as an issue outside the purview of WTO. WTO staff are to be commended for organizing the Trade Dialogues on Food as soon as the food crisis struck.[43] Nevertheless, there is still no food security vision or agenda at WTO.

49. There is, however, growing awareness that the right to food can provide a vision and agenda for international trade. During the twelfth WTO Ministerial Conference, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations sent to the ministers participating in the negotiations an open letter entitled "Trade and the right to food: the path to Sustainable Development Goal

[39] Conference of the Parties to the Convention on Biological Diversity, CBD/COP/DEC/15/4, annex.
[40] Ibid.
[41] WTO, WT/MIN(22)/27, WT/MIN(22)/28, WT/MIN(22)/29 and WT/MIN(22)/31.
[42] WTO Committee on Agriculture, G/AG/35.
[43] See www.wto.org/english/res_e/reser_e/tradedialonfood_e.htm.

2".[44] The Permanent Representative of Türkiye to WTO, Alparslan Acarsoy, in his capacity as the new Chair of the WTO Committee on Agriculture, captured a growing sentiment in WTO when he stated: "Access to food is a fundamental right that no one should be deprived of. … Trade rules require a fresh look in the light of current challenges. The Agreement on Agriculture is almost 30 years old and needs to be updated."[45]

C. Focusing on the Committee on World Food Security

50. The food crisis worsened throughout the pandemic, and fears about global food security rose even more with the wrongful Russian invasion and expanded occupation of Ukraine in February 2022. By March, the Secretary-General had formed the Global Crisis Response Group on Food, Energy and Finance to provide guidance on tackling the complex web of world crises.

51. Given the institutional landscape and the lack of concerted multilateral action during the food crisis, international food security policy may appear slow and inconsistent. What is rapid and consistent, however, is the continued rise of global temperatures, the continued decline of biodiversity and the continued increase in corporate profits, suggesting that the current institutional landscape may be part of the problem.

52. Going into 2022, the Special Rapporteur witnessed a growing number of national and subnational governments taking up and recognizing the right to food with renewed energy and focus. A great interest in the right to food was also shown in a number of international forums, including the Security Council.[46] Governments recognized the power of the right to food because they were actually listening to their people and learning from their courage and sense of solidarity.

53. In a cascade of multilateral documents concluded by consensus, namely, General Assembly resolution 77/217 of December 2022, the Final Communiqué of the fifteenth Berlin Agriculture Ministers' Conference, held in January 2023,[47] and Human Rights Council resolution 52/16 of April 2023, the right to food was recognized as key to overcoming the food crisis. These documents included a call for a coordinated response to the global food crisis and recognition of the role of the Committee on World Food Security as an inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together, in a coordinated manner and in support of country-led processes, towards eliminating hunger and ensuring food security and nutrition for all human beings.

54. At the fifty-first plenary session of the Committee, to be held in October 2023, Member States will approve the multi-year programme of work for the period 2024–2027. The Special Rapporteur hopes that States and civil society will continue the momentum towards making the Committee the forum that provides the international coordination and cooperation necessary to respond to the crisis and enable food system transformation.

55. The Committee was initially created in 1974 in response to the global food crisis at the time. In response to the 2006 food crisis, the Committee was reformed and

[44] Available at https://unctad.org/system/files/information-document/osg-2022-06-13-unhcr-unctad-letter_en.pdf.

[45] See www.youtube.com/watch?v=XqLh1tcMc1c.

[46] See www.ohchr.org/sites/default/files/2022-05/UNSC-Aria-Hunger-Conflict.pdf.

[47] Available at https://gffa-berlin.de/wp-content/uploads/2015/10/GFFA_2023_Final-Comminuque%CC%81_EN_com.pdf.

reinvigorated.[48] As has been good practice in the past, the Special Rapporteur strongly recommends that States focus their efforts on the current food crisis at the Committee during this time of great need.

56. At the heart of the Committee's vision is a commitment to implementing the right to food. The Committee is a platform for discussion and coordination to strengthen collaborative action among Governments and stakeholders. It also promotes greater policy convergence and coordination through negotiated international strategies and voluntary guidelines. The Committee, at the request of a country or region, provides support and/or advice on the development, implementation, monitoring and evaluation of nationally and regionally owned plans of action for the elimination of hunger, the achievement of food security and the practical application of the right to food. These three functions – namely, global coordination, policy convergence and the provision of support and advice to countries and regions – make the Committee best suited to be the global centre point to respond to the food crisis and ensure recovery through food system transformation.[49]

57. What makes the Committee uniquely inclusive and effective is the fact that it grants rights holders an autonomous space to organize themselves and participate directly in almost every aspect of its work. Accordingly, the Civil Society and Indigenous Peoples' Mechanism for relations with the Committee is an essential part of the reformed Committee.[50] Its purpose is to facilitate the participation of civil society in, and its contribution to, the policy processes of the Committee. During the past years, several hundred national, regional and global organizations have participated in the Mechanism. All participating organizations represent one of the following groups: smallholder farmers, pastoralists, fishers, Indigenous Peoples, agricultural and food workers, landless people, women, young people, consumers, urban food insecure people and non-governmental organizations.

58. The Special Rapporteur recommends that the Committee ensure that the right to food is at the centre of all its work and use existing legal and policy tools to focus on global coordination and the provision of support and advice to countries and regions.

IV. Structural constraints to change

59. Before providing a way to respond to the food crisis and recover through food system transformation, it is important to understand the structural constraints to change.

60. Corporate-led industrial food systems have a massive environmental impact and violate the rights to life, health, water, food and the enjoyment of a safe, clean, healthy and sustainable environment. Food systems emit approximately one third of the world's greenhouse gases. Moreover, biodiversity is decreasing because of pollution, ecological destruction, deforestation and the removal of protective ecological barriers, with many of these problems caused by corporate-dominated food systems (A/HRC/52/40, para. 71).

A. Debt

61. The speed of sovereign debt accumulation, combined with already-existing debt service obligations and slow economic growth, is severely limiting the ability of most countries to devote public resources to adequately respond to the aftermath of the

[48] Committee on World Food Security, CFS:2009/2 Rev.2.

[49] Ibid.

[50] See www.csm4cfs.org/.

pandemic. In responding to the initial shock of the pandemic, all countries quickly borrowed more money, causing debt levels to surge in 2020 at their fastest pace in five decades (A/77/177, para. 49). In 2022, the external debt stocks of developing countries reached $11.4 trillion, more than double that recorded a decade ago. Compared with the pre-pandemic level in 2019, the total external debt of developing countries in 2022 grew by 15.4 per cent.[51]

62. High debt rates have profound social consequences. With high food prices, many countries are faced with the impossible choice of either feeding people or servicing debt. Using public funds to ensure that people have access to adequate food can cause a Government to fall into arrears, worsening financial shocks, while servicing debt leads to more hunger and malnutrition. This means that the current international finance system resolutely impedes the ability of Governments to meet their right-to-food obligations.

63. Debt has long-term consequences. During the debt crisis of the 1980s, international financial institutions and rich countries provided various forms of debt relief. These lenders promised to help developing countries only if they agreed to certain conditions. The result was a host of structural adjustment policies that harmed local food systems, namely, austerity measures that limited public funding and reduced demand; lower tariffs and the elimination of quotas, thereby allowing for a flood of imports from developed countries; and deregulation and privatization that led to capital flight and inequality. All these factors contributed to increased trade deficits, consequently leading to a higher level of debt.[52]

64. States cannot rely on foreign investment as a source of capital. Foreign investment has proved to result in the extraction of wealth from host countries and has not led to the type of economic development that international financial institutions have promised over the past decades. This is in part because international investment law has long privileged foreign investor interests over human rights and host countries' sustainable development regulations.

65. Today's global food systems also contribute to the debt crisis. Countries that depend on imports of food and fertilizer generate high debts and are reliant on the United States dollar.[53] For example, when the price of food spiked to historic highs in early 2022, the problem was worse than the price spikes in the periods 2007–2008 and 2010–2012. This was because the rise in prices in 2022 was accompanied by an appreciating United States dollar, making net food-importing countries even more vulnerable.[54] Under this system, instead of investing in local, diverse food systems, countries are forced to encourage the export of cash crops to generate more dollars. Thus, food systems have become less about growing food and more about generating capital.

66. In his previous report (A/77/177), the Special Rapporteur noted that debt relief and financing should take into account global inequality, common but differentiated responsibilities and human rights.

[51] See https://sdgpulse.unctad.org/debt-sustainability/.

[52] Walden Bellow, "Needed: a bold program to address the crisis of the severely indebted developing countries", Focus on the Global South, 4 April 2023.

[53] International Panel of Experts on Sustainable Food Systems (IPES-Food), "Breaking the cycle of unsustainable food systems, hunger, and debt", March 2023.

[54] See https://unctad.org/a-double-burden.

B. World Trade Organization

67. When WTO was created in 1994, developing countries' agricultural tariffs were already relatively low. However, WTO deepened inequality between developed and developing countries and made it easier for transnational corporations to increase their power and profits.

68. In order to make way for WTO, the first thing States did was dismantle the older system of commodity agreements dedicated to stabilizing prices through international supply management. Commodity agreements had produced mixed results, but the creation of WTO marked an ideological shift in international agricultural law away from trying to ensure stable and fair prices towards reducing trade barriers as much as possible.

69. The loss of international commodity agreements represented a blow to developing countries. They lost an international tool that could provide national stability and were further exposed to the rise and fall of international markets. Developed countries were protected from international markets because they could rely on their rich coffers to provide their local producers with high rates of domestic support.

70. For over a hundred years, international agricultural trade law and policy has not primarily been about tariff reduction or trade liberalization. Like the Agreement on Agriculture, international agricultural trade law has always been more about creating international rules regarding what counts as a legitimate and an illegitimate form and degree of domestic support, in the spirit of establishing a stable and fair market. The current impasse over the Agreement on Agriculture, and in WTO negotiations in general, stems from the fact there is no consensus on what counts as a good versus a bad subsidy.

71. WTO has created a system that legitimizes particular forms of financial support for cash-rich countries but outlaws domestic tools that cash-poor countries could employ, such as quotas, buffer stocks and flexible tariffs. Indeed, all the various exceptions granted to developing countries in recognition of their particular economic condition have proved futile (see A/75/219). As a result, if a developed country wants to support local agriculture, they have to rely on borrowed money and foreign aid.

72. In a previous report (A/75/219), the Special Rapporteur detailed how the Agreement on Agriculture could be terminated and replaced with international food agreements anchored in the General Agreement on Tariffs and Trade and based on the principles of self-sufficiency, solidarity and dignity. In a report to the Human Rights Council (A/HRC/49/43), he also echoed calls to terminate the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

C. Corporate power

73. Beginning in the 1960s, the food and agriculture sector in developed countries became increasingly dominated by corporations. As a result, developed countries' agricultural subsidies were in effect corporate subsidies. By the 1980s, developing countries had become export oriented and were racing to attract foreign investment. Transnational corporations were therefore incentivized to buy up agricultural land in developing countries and export agricultural commodities.

74. The problem of corporate power in food systems stretches back centuries as a part of imperial rule. What is unique today is the expansion of corporate power into all aspects of the food system and the consolidation of corporate power over the past

several decades.[55] This high concentration of corporate power allows a relatively small group of people to shape markets and innovation in a way that serves the ultimate goal of shareholder profit maximization and not the public good.

75. The recent increase in food prices reflects the high concentration of suppliers' market power.[56] Globally, food inflation rates are at record highs. Food inflation is not caused principally by supply chain disruptions, the war in Ukraine, rising energy costs or the rapid increase in demand; it is caused by transnational corporations raising prices at rates that exceed increased costs and risks. The Special Rapporteur observes that corporations have been falsely attributing price hikes to various crises to hide their profiteering. Corporations are reporting record financial gains while people suffer and Governments struggle amid multiple crises.[57] For example, price controls, such as those in El Salvador, Mexico and Qatar, may protect against corporate profiteering and inflation triggered by sellers.[58] As of June 2023, price rates have tempered; the price of food, however, remains significantly higher than in 2020.[59]

76. Instead of being governed, corporations are dominating food governance. They significantly influence how people eat, where research and development money flows, and what laws are passed. Corporations justify their power through the idea of "multi-stakeholderism", claiming that stakeholders should be present for policy discussions and decisions.[60] Since corporations exert significant financial influence over the food system, they have convinced Governments that they are stakeholders that are entitled to participate in policymaking. Multi-stakeholderism treats all participants as formally equal; it creates spaces where the rich can dominate discussions because of their sheer power to mobilize resources, crowding out everyone else. This undoes human rights processes that give priority to people as rights holders and States as duty bearers. The United Nations Food Systems Summit was an example of multi-stakeholderism whereby corporate-friendly organizations exercised disproportionate control over the agenda compared with States and people.

77. Voluntary corporate social responsibility tools have not been effective enough to significantly reduce the frequency and scope of human rights violations by businesses. Due diligence requirements are a popular way to try to change business practices, but they rely on self-monitoring or self-regulation and run the risk of being overly procedural. Corporations may end up being liable to meet only due diligence requirements, and such requirements may not necessarily prevent harm. The ongoing treaty negotiations within the Human Rights Council open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights could produce a legally binding instrument to enable food system transformation in a broader and more equitable direction.

78. The function of a corporation is to allow individuals – shareholders – to pool their resources to produce goods or provide a service. People can collectively organize themselves in different ways through partnerships, cooperatives, public

[55] Jennifer Clapp, "Concentration and crises: exploring the deep roots of vulnerability in the global industrial food system", *Journal of Peasant Studies*, vol. 50, No. 1 (2023).

[56] Isabella Weber and Evan Wasner, "Sellers' inflation, profits and conflict: why can large firms hike prices in an emergency?", *Review of Keynesian Economics*, vol. 11, No. 2 (April 2023).

[57] See https://edition.cnn.com/2021/06/18/business/grocery-store-inflation-kroger-albertsons/index.html and www.theguardian.com/world/2023/apr/14/hedge-funds-profit-ukraine-war-food-price-surge.

[58] Submissions of El Salvador, Mexico and Qatar. See also Isabella Weber, "Could strategic price controls help fight inflation?", *The Guardian*, 29 December 2021.

[59] See www.fao.org/worldfoodsituation/foodpricesindex/en/.

[60] IPES-Food, "Who's tipping the scales? The growing influence of corporations on the governance of food systems, and how to counter it", 2023.

bodies or worker-controlled entities. That said, a corporation organizes resources in a particular way: it reduces an individual investor's risk by limiting shareholder liability for the wrongdoing of the enterprise. Corporate law and governance turn corporations into legal persons with an inordinate number of rights and very few binding obligations. As a result, individuals are enabled to reap all the gains and not be held responsible for any social harms that are generated by the profit-making enterprise. Moving up a scale, the way that the corporate bodies themselves limit their liability is by creating subsidiaries, offspring companies that bear the sins of the parent.

79. Human rights law must continue to be used to hold corporations accountable. Other tools must also be used to limit corporate power in the first place, such as competition law, effective national and international tax regimes, and regulation.[61] Corporations not only have the resources to outspend victims in terms of legal fees but are also legal persons that can live in perpetuity, barring bankruptcy or personal choice, outlasting the victims. Legal damages that result from human rights violations can be budgeted for as "operating costs". States should therefore consider using corporate law to revoke corporate charters when corporations seriously violate human rights law.[62] States should also use corporate law to change incentives for directors and managers to ensure that decisions align more closely with social goals.[63]

V. Political agenda for food system transformation

A. Framing the problem: relationships of dependency and extractivism

80. Food crisis, debt crisis, inflation, climate change, pollution, biodiversity loss – framing problems as a crisis can leave people feeling overwhelmed and powerless. In his most recent report to the Human Rights Council (A/HRC/52/40), the Special Rapporteur detailed how structural inequality and systemic violence are the underlying cause of all these intersecting crises. The conditions that enable structural inequality and systemic violence are relationships of dependency and extractivism.

81. Relationships of dependency mean that one party relies heavily on the other party, and the other party can more easily walk away from the relationship at any point. Food systems are constituted through a series of dependency relationships. On an international scale, importing countries depend on global markets for food, food-exporting countries depend on global markets for capital, and developing countries depend on international financial institutions and richer countries for capital. On an interpersonal scale, farmers are incentivized to depend increasingly on transnational corporations for their inputs, people are made dependent on a shrinking number of food commodities sold by a small number of transnational corporations for their nourishment, and workers often have no choice but to depend on employers for their livelihood.

82. Extractivist economies imagine nature as a source of resources and rely on the extraction and export of these so-called natural resources. The assumption is that exploiting nature is worth it because the ensuing revenue will be shared and benefit the public at large. Extraction from nature and the exploitation of people are, however, inherently linked, since you cannot separate how you treat nature from how you treat

[61] Submission of Poland.

[62] Kent Greenfield, "Ultra vires lives! A stakeholder analysis of corporate illegality (with notes on how corporate law could reinforce international law norms)", *Virginal Law Review*, vol. 87, No. 7 (November 2001).

[63] Dan Danielsen, "How corporations govern: taking corporate power seriously in transnational regulation and governance", *Harvard International Law Journal*, vol. 46, No. 2 (2005).

people. From a right-to-food perspective, extractivism generates two problems. First, extractivist projects undermine and destroy traditional and small-scale hunting, fishing, herding and agriculture, together with foraging and gardening practices that enhance biodiversity. Second, more food systems are becoming more lethal because they limit biodiversity – by taking from the land and leaving nothing in return, turning the soil barren. Soil depletion makes farmers more dependent on chemical inputs and high-energy processes, generating approximately one third of the world's greenhouse gases.

B. Framing the solution: relationships based on care and reciprocity

83. Food is at the centre of the economy of care. Care is not just about attending directly to people's emotional and physical needs. It includes all activities that nourish and nurture, all the elements that are necessary for people's welfare and for them to flourish. Understood in that way, care captures the needs of individuals in vulnerable situations, the social capacity to care through institutions and the needs of people who are care workers and are essential for humanity's well-being.

84. Valorizing care work aligns with a human rights-based approach because, for too long and in too many places, people who take care of others have often been the most marginalized and undervalued. The care economy encompasses the fundamental work that arises from taking care of land, water and other life forms. It also raises questions about how to care for strangers and distant others.

85. The Special Rapporteur witnessed during the COVID-19 pandemic, when people were struggling and hunger was on the rise, people taking care of each other in profound ways (see A/HRC/46/33). By taking care of their kin, friends and neighbours, people ensured that someone was strong enough to take care of them in their own time of need. Relationships of reciprocity were key to ensuring that people were resilient during the pandemic.

C. Recovering from the pandemic and transforming food systems: a matter of power and not just policy

86. The challenge with trying to transform food systems does not lie in a scarcity of solutions. Policy solutions abound. To say that there is a lack of political will for change is not enough. The problem is how to reconfigure power in food systems to ensure that relationships are based on care and reciprocity and that meaningful change can occur.

87. People and Governments are already building the future they want. While the pandemic exacerbated inequality, people survived by deepening their relationships with each other and the land. The Special Rapporteur outlines below the practices that should end and the policies with which they should be replaced, namely, policies based on existing practices that would enable both recovery and transformation and that would reconfigure power in food systems in a way that fulfils the right to food.

1. From industrial agriculture to agroecology

88. In his previous report (A/77/177), the Special Rapporteur detailed what agroecology entails. Agroecology combines traditional and scientific knowledge, binding together social and cultural practices with ecology and agronomy. Agroecology has proved to lead to the tangible realization of the right to food. Its primary goal is to mimic ecological processes and biological interactions as much as possible. A large body of research suggests that, if productivity is calculated in terms

of production per hectare and not for a single crop, and in terms of energy input versus output, agroecology is often more productive than industrial intensive techniques. Agroecological and smallholder-led modes of supplying the world's food focus not exclusively on crop yields but also, in a more holistic manner, on individual, communal and environmental well-being. Furthermore, agroecology focuses on the relationship among all living beings in a food system by framing those relationships in terms of equity and fairness.

89. The concept of "nature-based solutions" is sometimes used. However, the term lacks an agreed definition, is not accompanied by a transformative vision and is being used to maintain agribusiness as usual. The term "regenerative agriculture" is used to emphasize the regeneration of natural resources. The focus is often on soil health, while power dynamics and human rights are overlooked. By contrast, "agroecology" is a term that is given a formal definition through democratic and inclusive governance processes. It is supported by the Secretary-General (see A/HRC/53/47), the Committee on World Food Security, the Food and Agriculture Organization of the United Nations (FAO) and the Conference of the Parties to the Convention on Biological Diversity, is backed by years of scientific research and social movements, and is well regarded by the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.[64]

2. From giving priority to global markets to supporting territorial markets

90. With the pandemic and the food crisis, States have finally realized that too much reliance on trade as a source of food leaves people incredibly vulnerable to geopolitics and market fluctuations. Social movements have warned about this danger created by the trade regime for decades and have mobilized to reclaim food sovereignty. The new consensus is that States should invest more in local production for the purpose of local consumption. Nevertheless, markets have become more complex and are not easily categorized as local or global. Local markets are inherently affected by global economic conditions, and global trade feeds only a minority of people, with 17 per cent of people across 30 countries depending almost entirely on trade to be fed.[65]

91. Territorial markets are an important element of food systems and are gaining recognition and support at the Committee on World Food Security and FAO through programmes and policy instruments.[66]

92. Often, territorial markets can be created through public procurement or stockholding programmes committed to the right to food. On the basis of experiences from the pandemic, parliamentarians from around the world are showing great interest in how public procurement can fulfil the right to food.[67] In Brazil, for example, the relaunched and restructured Bolsa Família programme, the national school meals programme, the food programme, the food purchase programme and the national programme for strengthening family agriculture could create a transformative territorial market that realizes the right to food.[68] Albania may not have public

[64] Institute of Development Studies and IPES-Food, *Agroecology, Regenerative Agriculture, and Nature-Based Solutions: Competing Framings of Food System Sustainability in Global Policy and Funding Spaces* (2022).

[65] See www.wto.org/english/news_e/news20_e/ddgaw_30apr20_e.htm.

[66] Committee on World Food Security, "Connecting smallholders to markets", policy recommendations, 2015; Civil Society and Indigenous Peoples' Mechanism for relations with the Committee on World Food Security, "Connecting smallholders to markets: an analytical guide", 2016; and www.fao.org/nutrition/markets/territorial-markets-initiative/en/.

[67] FAO, *Legislative Developments and Challenges in the Time of COVID-19: The Parliamentary Sector as a Key Stakeholder in Building a New Normal* (2022), p. 8.

[68] Submission of Brazil.

stockholdings like Qatar[69] and India, but Albanian law requires businesses that sell food products and other essential products to maintain enough reserves to cover a minimum period of three months, or in accordance with the lifespan of the products, for use in emergency situations. To support these businesses, the Government of Albania has guaranteed the financing necessary to maintain reserves for particular market situations.[70] This is in line with the Special Rapporteur's recommendation that States should require business enterprises to disclose the nature and amount of their stocks (A/77/177, para. 91 (d)).

3. From corporations to social and solidarity economy entities

93. While corporations are designed to limit liability and increase profits, the social and solidarity economy promotes entities such as cooperatives, worker-owned enterprises and mutual aid networks. In April 2023, the General Assembly turned its attention to the social and solidarity economy. Recognizing the urgent need for a transformative and integrated response to address the COVID-19 pandemic, climate change and geopolitical tensions, which have deepened inequalities, the Assembly adopted resolution 77/281, in which it recognized the transformative effect of the social and solidarity economy, together with its ability to alleviate poverty, and acknowledged that social and solidarity economy entities could contribute to the achievement and localization of the Sustainable Development Goals.

94. The social and solidarity economy encompasses enterprises, organizations and other entities that are engaged in economic, social and environmental activities to serve the collective and/or general interest, which are based on the principles of voluntary cooperation and mutual aid, democratic and/or participatory governance, autonomy and independence and the primacy of people and social purpose over capital in the distribution and use of surpluses and/or profits, as well as assets.[71]

95. Social and solidarity economy enterprises put into practice values that are consistent with care for communities, land, water and other life forms. As recognized by the International Labour Organization (ILO), social and solidarity economy enterprises are based on the principles of equality and fairness, interdependence, self-governance, accountability and the attainment of decent work and livelihoods.[72]

4. Reinvigorating multilateralism to become a multilateralism anchored in food sovereignty

96. The General Assembly, in its resolution 75/1, entitled "Declaration on the commemoration of the seventy-fifth anniversary of the United Nations", called for reinvigorated multilateralism.

97. Multi-stakeholderism has proved to be the antithesis to the notion of reinvigorated multilateralism because it effectively grants corporations more decision-making power than some countries have. Multilateralism, however, needs a new orientation. In the past, multilateralism was based on a notion of sovereignty whereby the international community was made up of "civilized" nations, mostly meaning European countries and former European settler colonies. After the Asia-Africa Conference held in Bandung, Indonesia, in 1955, multilateralism was based on a notion of sovereignty whereby all countries, including newly independent countries in Asia and Africa, were formally equal. This type of multilateralism worked at its best when "third world" countries, as they were called, organized themselves in

[69] Submission of Qatar.
[70] Submission of Albania.
[71] International Labour Organization, ILC.110/Resolution II, para. 5.
[72] Ibid.

solidarity against imperial and former imperial powers and developed powerful programmes through the United Nations.

98. Since the 1980s, however, the anti-imperial solidarity among countries has diminished. Moreover, Western countries do not always respect the sovereignty of other States, sometimes reverting to racist notions of sovereignty. Meanwhile, developing countries use their sovereignty not only to protect against foreign interference but sometimes also to avoid their human rights obligations.

99. Multilateralism can be reinvigorated if it is built upon the notion of food sovereignty.[73] This would acknowledge that peasants, workers, fishers, pastoralists and consumers, together with Indigenous Peoples, possess the true power in food systems. It would be a multilateralism that identifies food providers and Indigenous Peoples as autonomous, self-organized constituents, linked to consumers, that provide guidance on how to eat and how to relate to land. Thus, under a multilateralism defined by notions of food sovereignty, these constituents would be included in discussions and negotiations as a matter of entitlement. For example, they would be included in mechanisms such as the Civil Society and Indigenous Peoples' Mechanism for relations with the Committee on World Food Security; they would be voting members, like unions at ILO; or they would have permanent participant status, like Indigenous Peoples in the Arctic Council.

100. Under this type of multilateralism, the people are regarded not as non-governmental organizations or civil society but rather as constituents with substantive participatory rights derived from their work as food providers or the status of organized consumer groups. Meanwhile, corporations have limited, if any, access to multilateral processes. In sum, a multilateralism anchored in food sovereignty recognizes that a State's territorial power derives from the Government's good relations with people and the people's ability to organize themselves within food systems. At the heart of the food sovereignty that accompanies this reinvigorated multilateralism are strong land and territorial rights, genuine agrarian reform and labour laws that are enforced to create dignified work.[74]

VI. Legal agenda for food system transformation

101. The right to food can provide a legal framework that cohesively responds to the three interdependent issues facing States, namely, the need to: (a) respond to and recover from the food crisis with national plans; (b) develop an internationally coordinated response to the food crisis; and (c) transform their food systems to make them more resilient to climate change and prevent biodiversity loss.

102. The right to food is unique within the International Covenant on Economic, Social and Cultural Rights because article 11 (2) obliges States to adopt specific programmes in order to eliminate hunger and fulfil the right to food. As a result, the right to food comes with an international legal framework that guides States and people. Although the following list is not exhaustive, States must:

(a) Cooperate internationally;

(b) Improve food production and conservation;

[73] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, art. 15 (5).

[74] Submissions of Germany, Poland, FIAN Indonesia, FIAN Haiti and Front commun pour la protection de l'environnement et des espaces protégés.

(c) Fully use and share technical and scientific knowledge, including principles of nutrition;

(d) Efficiently use natural resources to develop or reform agrarian food systems;

(e) Enact trade policies that take into account the problems of both food-importing and food-exporting countries to ensure an equitable distribution of world food supplies in relation to need.

103. Given the current acute need for international cooperation in coordinating a response to the food crisis, it is worth highlighting the fact that the right to food is the only right under the Covenant that includes international cooperation as an explicit obligation (art. 11 (2)). Such cooperation should adhere to the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law.[75]

104. The meaning of the right to food is regularly advanced with significant effect. It was through the right to food that States' general obligation to respect, protect and fulfil human rights was first articulated.[76] The Committee on Economic, Social and Cultural Rights, in its general comment No. 12 (1999) on the right to adequate food, provided an authoritative explanation of the right to food. The 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security was the first policy instrument of its kind, providing States with further guidance on this economic, social and cultural right.

105. The upcoming celebration of the twentieth anniversary of the Voluntary Guidelines in 2024 will mark the incredible progression of the right to food, particularly in relation to the rights of persons with disabilities;[77] the rights of women,[78] especially rural[79] and Indigenous women;[80] peasants' rights;[81] the rights of Indigenous Peoples;[82] workers' rights;[83] the rights of small-scale fishers and fish workers;[84] land rights;[85] and farmers' rights in relation to seeds.[86] There have been policy advancements connecting the right to food to agroecology and political advancements connecting it to the concept of food sovereignty.

106. It is therefore important to appreciate the meaning of the international legal framework for the right to food in the light of these normative developments and

[75] Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, para. 7.

[76] *Right to Adequate Food as a Human Right* (United Nations publication, 1989).

[77] Convention on the Rights of Persons with Disabilities, arts. 25 (f) and 28 (1).

[78] Convention on the Elimination of All Forms of Discrimination Against Women, art. 12.

[79] Ibid., art. 14; and Committee on the Elimination of Discrimination against Women, general recommendation No. 34 (2016) on the rights of rural women.

[80] Committee on the Elimination of Discrimination against Women, general recommendation No. 39 (2022) on the rights of Indigenous women and girls.

[81] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

[82] United Nations Declaration on the Rights of Indigenous Peoples.

[83] There are scores of relevant ILO treaties and policy instruments. The foundational treaties are the Right of Association (Agriculture) Convention, 1921 (No. 11) and the Rural Workers' Organisations Convention, 1975 (No. 141). Most recently, see ILO, "Policy guidelines for the promotion of decent work in the agri-food sector", 2023.

[84] Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

[85] Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022) on land and economic, social and cultural rights; and Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

[86] International Treaty on Plant Genetic Resources for Food and Agriculture, art. 9; and United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, arts. 19–20.

contemporary understandings of how food should be adequate, available and accessible. The international legal framework for the right to food provides a detailed, coherent and cohesive framework that States can follow when transforming their food systems.

107. With this set of international obligations and the shared commitment to transforming food systems in mind, the right to food should be understood in the following way:

(a) International cooperation is not just about international institutions but, in more modern terms, can also be understood as international solidarity and food sovereignty. Solidarity means developing a national food policy that is generous and fair not only to the people and ecosystems within a country but also towards other communities as a matter of reciprocity. An economy built on solidarity relies on organizing commerce through democratically governed enterprises designed to meet human needs instead of primarily pursuing profit. How and with whom people trade should be intentional and enhance a community's quality of life;

(b) Improving food production and conservation can be reframed in terms of increasing biodiversity, and not strictly efficiency, food safety and economic growth. It includes people's right to determine what is culturally, nutritionally, socially and ecologically adequate food, on the basis of their particular conditions and sense of dignity;

(c) Knowledge is not just technical and scientific but also includes traditional and Indigenous knowledge. Good nutrition is key to fulfilling the right to food, but it should be understood within appropriate cultural contexts and broader dynamics of public and environmental health;

(d) Reforming agrarian food systems should be expanded to include all types of food systems. This includes recognizing the plurality of food systems and their inherent link to different cultural understandings, values and cosmovisions. It also entails understanding food systems as a dynamic set of relationships. Reform should focus on increasing food system stability and transparency by improving trust among individuals and communities;

(e) Equitable trade is not just a supply management issue but also a matter of food sovereignty and labour rights. A trade policy informed by food sovereignty and labour rights means that food markets are not simply about buying and selling commodities. Markets need to be fair and stable. This means that trade policy should be woven into how people co-design food systems with different levels of government and across different territories. Trade policy should strengthen local, regional and intercommunal self-sufficiency.

108. The International Covenant on Economic, Social and Cultural Rights also defines the right to food as the fundamental right to be free from hunger. This reminds us that the right to food is an inherent part of the right to life. Every instance of hunger – and malnutrition, famine or starvation – can be understood as the result of a system that is exploiting or oppressing people, stripping them of a fundamental freedom.

VII. Conclusion and recommendations

109. **The practice of human rights is not only about identifying violations and naming and shaming perpetrators. Human rights also provide a language of action that identifies shared values and enhances people's dignity.**

110. **During the pandemic, Member States adopted policies in response to the food crisis to realize the right to food. Member States should not end these**

policies but instead should convert them into permanent programmes. These include programmes on:

(a) **Direct cash transfers;**

(b) **Universal school meals;**

(c) **Support for territorial markets;**

(d) **Support for Indigenous Peoples, together with peasants, pastoralists, fishers and other small-scale food producers, especially their access to inputs, territorial markets and public procurement programmes;**

(e) **Protection of the right of workers to association, enforcement of labour laws and enhancement of worker protection;**

(f) **Social protection to mitigate negative market impacts;**

(g) **Recognition of and support for the role of local and regional governments in meeting needs related to the right to food.**

111. **The General Assembly should recognize that:**

(a) **The right to food provides the best way to respond to and recover from the food crisis;**

(b) **The right to food is key to national plans aimed at making food systems more resilient in the face of climate change and biodiversity loss;**

(c) **There is an urgent need to realize the right to food through a coordinated and sustained effort, using the advantages and synergies offered by international cooperation and solidarity to find comprehensive solutions to the common current and future problems facing humanity;**[87]

(d) **The Committee on World Food Security is the foremost inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards fulfilling the right to food.**[88]

[87] Human Rights Council resolution 52/16.

[88] Committee on World Food Security, CFS:2009/2 Rev.2, para. 4.